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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,274	06/06/2001	Tandy G. Willeby	PAYT-26276	5164

25883 7590 03/19/2007
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EXAMINER	
KLIMACH, PAULA W	
ART UNIT	PAPER NUMBER
2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/874,274	WILLEBY, TANDY G.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 01/25/07. The amendment filed on 01/25/07 have been entered and made of record. Therefore, presently pending claims are 44-70.

Response to Arguments

Applicant's arguments filed 01/25/07 have been fully considered.

The applicant argued that Jalili does not teach, "transmitting, after each selection of each of the multiple points in the graphical image, coordinates associated with a portion of the security code from the client to the server over the connection further associated with such selection of such point." This is not found persuasive. Jalili teaches the client subsystem then generates selected icon location information in response to said selection of icons by the user (column 9 lines 23-24). This corresponds to the "selection of each of the multiple points in the graphical image." Wherein the icon location corresponds to the multiple points in the graphical image. The user selects the icons then the location information is generated and it is generated in response to the selection and therefore "after each selection." Further these coordinates (icons) are associated with a portion of the security code, the security code corresponds to the portion of the PIN (column 9 lines 40-57) from the client to the server over the connection (Fig. 9). Since the coordinates correspond to the icon, they are associated with the selection of such point.

In reference to claim 70, the applicant argues that Jalili does not suggest indicating the end of input. This is not found persuasive and the new grounds of rejection is provided to indicate that written description is missing some information recited in the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 70 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 8 paragraphs 0032 and 0033, "the client returns to the server the coordinate or code representing the coordinate, within the image, that the user selected. The server will convert this coordinate to the corresponding character." This does not disclose the server saving the received information. The specification does not disclose an end character.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 65-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Jalili (6,209,104 B1).

In reference to claim 65 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). The system of Jalili comprises receiving after each selection of each of multiple points in a graphical image including a number of elements, coordinates associated with a portion of the security code at the server over a connection, the coordinates further associated with such selection of such point (column 8 lines 1-15); processing the coordinates received after each selection of each of the multiple points in the graphical image to determine the portion of the security code associated with the coordinates (Fig. 9); and validating the security code upon receiving all portions of the security code (column 10 lines 7-15).

In reference to claim 66 the system of Jalili further includes the step of processing the coordinates received after a last selection of coordinates to determine receipt of a completion code associated with the coordinates (column 8 lines 1-15).

In reference to claim 67 Jalili suggests a system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 68 Jalili discloses generating each of the different configurations of the elements after each selection of each of the multiple points; and transmitting each of different configurations of the elements from the server (Fig. 9).

In reference to claim 69 comprising the step of authenticating a user based on the validation of the security code (column 10 lines 7-15).

In reference to claim 70 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili discloses displaying a graphical keypad at the client responsive to a transmission from the server (Fig. 9 in combination with Fig. 5); and detecting selection of a key in the graphical keypad by a user (column 8 lines 42-54). In reference to storing the selection if the selection does not indicate an end of input and repeating steps (a) and (b); and (d) sending stored selections to the server if the selection does not indicate the end of input, Jalili suggest storing the selection in figure 6 and figure 9, since the coordinates of the icon are sent to the server and then the comparator in the server determines whether the password is the password that is stored. The applicant's specification discloses the information in the same way.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 44-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Mizoguchi (2004/0030934 A1).

In reference to claim 44 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili further discloses a system for establishing a connection between the client and the server (Fig. 1); transmitting after each selection of each of the multiple points in the graphical image coordinates associated with a portion of the security code from the client to the server over the connection, the coordinates further associated with such selection of such point (column 7 line 62 to column 8 line).

Although Jalili discloses detecting selection of multiple points in a graphical image including a number of elements displayed at the client (column 7 lines 46-61), the number of elements in Jalili is not positioned in a different configuration after each selection of each of the multiple.

Mizoguchi discloses a password interface application presents successive arrays of images or other sensory cue for display or playback on a client device (abstract). Mizoguchi discloses a system that uses a number of elements that are positioned in a different configuration after each selection of each of the multiple points (Fig. 2 and 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to change the position in a different configuration after each selection of each of the multiple points as in Mizoguchi in the system of Jalili. One of ordinary skill in the art would

have been motivated to do this because it would increase the difficulty of guessing the correct secure code values by increasing the number of incorrect points.

In reference to claim 45 Jalili further discloses the step of transmitting after a last selection coordinates associated with a completion code for the security code (column 8 lines 20-32).

In reference to claim 46 Jalili further discloses the system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 47 Jalili further discloses including the step of receiving the different configuration of the elements within the graphical image from the server after each selection of each of the multiple points (Fig. 5).

In reference to claim 48 Jalili discloses a system wherein the security code comprises a PIN (column 8 lines 20-23).

In reference to claim 49 Jalili discloses a system wherein the graphical image comprises a keypad (column 6 lines 65-67).

In reference to claim 50 Jalili discloses a system wherein the graphical image representing a keypad includes a different pseudorandom arrangement of keys after each selection of each of the multiple points (column 6 lines 54-64).

In reference to claim 51 Jalili discloses a system wherein the coordinates corresponds to a cursor position (column 8 lines 42-54).

In reference to claim 52 the system of Jalili further comprising the step of receiving a confirmation of an authentication of a user at the client based on the security code (column 9 lines 40-57).

In reference to claim 53 Jalili discloses a system wherein the elements of the graphical image are alpha-numeric characters (column 8 lines 20-31).

In reference to claim 54 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili discloses a system for establishing a connection between the client and the server (Fig. 1); transmitting after each selection of each of the multiple points in the graphical image coordinates associated with a portion of the security code from the client to the server over the connection, the coordinates further associated with such selection of such point (column 7 line 62 to column 8 line 15); processing the coordinates received after each selection of each of the multiple points in the graphical image to determine the portion of the security code associated with the coordinates (Fig. 6); and validating the security code upon receiving all portions of the security code (column 8 lines 1-15).

Although Jalili discloses detecting selection of multiple points in a graphical image including a number of elements displayed at the client (column 7 lines 46-61), the number of elements in Jalili is not positioned in a different configuration after each selection of each of the multiple.

Mizoguchi discloses a password interface application presents successive arrays of images or other sensory cue for display or playback on a client device (abstract). Mizoguchi

discloses a system that uses a number of elements that are positioned in a different configuration after each selection of each of the multiple points (Fig. 2 and 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to change the position in a different configuration after each selection of each of the multiple points as in Mizoguchi in the system of Jalili. One of ordinary skill in the art would have been motivated to do this because it would increase the difficulty of guessing the correct secure code values by increasing the number of incorrect points.

In reference to claim 55 Jalili discloses including the step of transmitting after a last selection coordinates associated with a completion code for the security code (column 8 lines 20-32).

In reference to claim 56 Jalili discloses further including the step of processing the received after a last selection of coordinates to determine receipt of a completion code associated with the coordinates (column 8 lines 1-15).

In reference to claim 57 Jalili discloses a system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 58 Jalili discloses generating each of the different configurations of the elements after each selection of each of the multiple points (Fig. 6 and Fig. 7); and transmitting each of the different configurations of the elements from the server (Fig. 9).

In reference to claim 59 Jalili discloses a system wherein the security code comprises a PIN (column 8 lines 20-25).

In reference to claim 60 Jalili discloses a system wherein the graphical image comprises a keypad (column 6 lines 65-67).

In reference to claim 61 Jalili discloses a system wherein the graphical image representing a keypad includes a different pseudorandom arrangement of keys after each selection of each of the multiple points (column 6 lines 54-64).

In reference to claim 62 Jalili discloses a system wherein the coordinates correspond to a cursor position (column 8 lines 42-54).

In reference to claim 63 Jalili discloses a system further comprising the step of authenticating a user based on the validation of the security code (column 10 lines 7-15).

In reference to claim 64 Jalili discloses a system wherein the elements of the graphical image are alpha-numeric characters (column 8 lines 20-31).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith, Jr. 5,949,857

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Friday, March 16, 2007

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